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**Admitted to practice in NY, N.D.N.Y., W.D.N.Y.,
2d & 4th Cir., U.S. Supreme Court*

July 11, 2023

Hon. Brenda K. Sannes
United States District Court
Northern District of New York
100 South Clinton Street
Syracuse, New York 13261

via CM/ECF

Re: Nadine Gazzola, et al. v. Gov. Kathleen Hochul, et al.
Case No. 1:22-cv-1134 (BKS/DJS)
2d Cir Case No. 22-3068

To the Hon. Brenda K. Sannes:

This letter is a request for another extension of time to submit Plaintiffs' response to the State's motion to dismiss. The State's motion was made February 28, 2023. [51] The most recent text order extension of July 13, 2023 [57] designated August 3, 2023 for submission. To date, the Second Circuit Court of Appeals has not ruled on Plaintiffs' appeal of their motion for preliminary injunctive relief (argued March 20, 2023, in tandem with four related cases). It remains our position that a ruling on the arguments, as submitted, including, but not limited to, the "likelihood of success" of the claims, may impact our response and the Court's ruling on the State's FRCP 12(b)(6) motion.

I request a 60-day extension to October 4, 2023.

Ms. Cowan and I exchanged communication on point. Her office does not take a position on this request.

Respectfully submitted,
Paloma A. Capanna
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c.: Aimee Cowan, Esq., NYS Office of the Attorney General (via CM/ECF)
Timothy Mulvaney, Esq., NYS Office of the Attorney General (via CM/ECF)

